IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 3464 of 2007(K)

PETITIONER:
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1. SATHEESH K.M., S/O. K.MADHAVAN,
KODUNGOTHUPARAMBIL HOUSE, KODIKUTHUMALA,
ASOKAPURAM P.O., ALUVA, ERNAKULAM DISTRICT.

2. SYAM S., S/O. P.V.SIVAN,
VENU NIVAS, THEKKUMBHAGOM, TRIPUNITHURA,
ERNAKULAM DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, THIRUVANANTHAPURAM.

3. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

BY GOVT. PLEADER SRI.A.J.VARGHESE
ADV.SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER,J

W.P.C.No.3464 OF 2007

Dated this the 16th day of March, 2007

JUDGMENT

Petitioners are stated to be students pursuing their studies in Master of Library and Information Science. They impugn Ext.P1 order dated 20/11/2006 issued by the Government directing that Higher Secondary School teachers (Junior) with least work load would be put in charge of Library in Higher secondary schools (Government / aided) and would be paid incentive to the tune of Rs.250/- per month subject to certain conditions. It is contended by the petitioners that the above ad hoc arrangement sought to be enforced through an executive order like Ext.P1, is totally illegal. I am unable to agree. The Government, either in its wisdom or due to financial stringencies, might have thought it fit to ensure that the students in Higher Secondary Schools do not suffer for want of Library facilities. The Government is apparently aware that adequate steps have not been taken to make available services of full fledged Librarians in the schools.

2. In this context it may be pertinent to note that earlier, the post of Principal in Higher Secondary Schools had been

handled by High school headmasters on payment of an incentive of Rs. 250/-. This arrangement had continued for several years till 2006 when the Government created the post of Principal in the higher secondary schools. I have referred to this aspect only to highlight the fact that financial constrains of the Government may also have to be kept in mind. Ext.P1 has been issued, presumably, as an adhoc arrangement till the Government creates the post of Librarian. I do not find any illegality or irregularity on the part of the Government in issuing Ext.P1.

3. It is pointed out by learned counsel that Government should not have overlooked the fact that in the special rules the post of separate cadre of Librarian grade III and IV had been provided. That being the position, Government should have implemented the special rules in letter and spirit. There may be force in the above contention raised by the petitioner. Learned counsel for the petitioner has also invited my attention to a judgment of the Full Bench reported in **Aided Higher Secondary School Teachers Association v. State of Kerala** (2005(1) KLT 94). In which, it was directed that the Government should take appropriate steps to create the post of Principal in the schools. As mentioned earlier, Government have complied with

the above direction. Learned counsel prays that such a similar direction may be issued to the Government in this case also.

In the peculiar facts and circumstances, the writ petition is disposed of with a direction to the Government to take an appropriate decision in the matter as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment.

A.K.BASHEER.
JUDGE

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